

## **REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

## ***FORMAL MATTERS***

Claims 1-17 are currently pending in the application. Claims 1, 9, and 17 are amended herein. Support for these amendments can be found in the specification on page 14, lines 9-11 and lines 19-22. No new matter has been added.

### ***Rejection of Claims 1-6, 9-14 and 17 under 35 U.S.C. § 103***

Claims 1-6, 9-14 and 17 are rejected under 35 U.S.C. § 103 as being unpatentable over Herz et al., U.S. Patent No. 6,571,279 (“Herz”) in view of Hall et al., U.S. Patent No. 6,026,375 (“Hall”). This rejection should be withdrawn based on the comments and remarks herein.

Applicant herein amends independent claims 1, 9 and 17 to recite the limitation of the communication dealer terminal calculating an advertisement effect based on the transmitted reservation request data of the consumer, by determining a contract link factor from a ratio of a purchase activity to a number of times of an advertisement distribution, and calculating the advertisement effect based on the contract link factor and a sales increase ratio of the purchase activity before and the contract link factor after the advertisement distribution. As discussed below, this calculation does not appear in the prior art cited by the Examiner and patentably distinguishes the present invention from such prior art. This feature enables a company using the present invention to more clearly grasp the effect of its advertising by comparing purchase activity prior to and after offering advertising.

Herz discloses a system for customizing information displayed to a viewer based on optimizing a match between information purveyors, such as advertisers, and the viewer (column 1, lines 17-20). As part of this system, Herz discloses collecting and delivering back to the

advertiser user' behavior and responses (column 16, lines 22-25), and further discloses advising a vendor of the number of users who clicked through an ad and perhaps some ratio of users who clicked and/or purchased an item compared to the number of users who matched the particular targeting criteria (column 18, lines 1-6). Herz does not disclose or suggest calculating the advertising effect based on a sales increase ratio between the purchase activity before and the contract link factor after the advertisement distribution. Herz makes no suggestion of obtaining data regarding purchasing activity or sales prior to the dissemination of advertisements. Thus Herz does not disclose or suggest the limitation recited in independent claims 1, 9, and 17.

Hall does not cure this deficiency. Hall discloses a method and system that enables service providers to receive an order from a mobile customer, receive customer location information and schedule the completion of the customer's order to coincide with the customer's arrival at a facility able to satisfy the customer's order (abstract). Hall does not disclose or suggest obtaining or storing advertising data, and thus is incapable of suggesting calculating a sales increase ratio.

Therefore, Herz and Hall, even taken in combination, do not disclose or suggest the recitations of independent claims 1, 9 and 17. Claims 2-6 depend from independent claim 1, and claims 10-14 depend from independent claim 9. Therefore, claims 2-6 and 10-14 incorporate novel and nonobvious features of their respective base claims and are patentably distinguishable over the prior art for at least the reasons that their respective base claims are patentably distinguishable over the prior art. Thus, applicant respectfully requests that this rejection be withdrawn.

***Rejection of Claims 7, 8, 15 and 16 under 35 U.S.C. § 103***

Claims 7, 8, 15 and 16 are rejected under 35 U.S.C. § 103 as being unpatentable over Herz, in view of Hall, and further in view of Angles, U.S. Patent No. 5,933,811. This rejection should be withdrawn based on the comments and remarks herein.

As stated above, the hypothetical combination of Herz and Hall does not disclose or suggest all of the features and limitations of independent claims 1 and 9. Angles does not cure this deficiency, and the Examiner does not suggest otherwise. The Examiner states that Angles teaches a system that monitors the actual delivery of advertisements to consumers and bills advertisers based upon this actual delivery (Office Action, page 6). Angles does not teach or suggest the communication dealer terminal calculating the ratio of the purchase activity before and the contact link factor after advertisement distribution, as recited in amended claims 1 and 9. Claims 7 and 8 depend from independent claim 1, and claims 15 and 16 depend from independent claim 9, incorporating all of the features and limitations in their respective base claims. Therefore, claims 7, 8, 15 and 16 are patentably distinguishable over the prior art for at least the reasons that their respective base claims are patentably distinguishable over the prior art. Thus, applicant respectfully requests that this rejection be withdrawn.

Therefore, it is respectfully submitted that claims 1-17 are patentably distinct from the cited references and a Notice of Allowance is respectfully solicited.

***Conclusion***

Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



Katherine R. Vieyra  
Registration No. 47,155

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530

KRV:kd